

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

DUNN

Mailed: June 30, 2006

Opposition No. 91164500  
Opposition No. 91164705

Puppuccino, Inc.

v.

Lynette M. Thorlakson

**Elizabeth A. Dunn, Attorney:**

On April 11, 2006, the Board issued an order for opposer to show cause why default judgment should not be entered against opposer based on opposer's apparent lack of interest in the case. On May 17, 2006, opposer, acting *pro se*, filed a response<sup>1</sup> asserting that it was under the mistaken impression that judgment had already been entered.<sup>2</sup> Accordingly, the show cause order is discharged.

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<sup>1</sup> Opposer's response does not indicate proof of service of a copy of same on counsel for applicant as required by Trademark Rule 2.119. Opposer is allowed until ten days from the mailing date stamped on this order to so serve applicant's attorney. Strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

<sup>2</sup> Opposer is advised that the current status of any Board proceeding may be ascertained by entering the proceeding number in TTABVUE, an application available at the U. S. Patent and Trademark Office website, [www.uspto.gov](http://www.uspto.gov).

The Board notes that opposer's response to the show cause order also indicates that opposer intends to represent itself in this proceeding. Opposer is advised that an inter partes proceeding before the Board is similar to a civil action in a Federal district court. There are pleadings, a wide range of possible motions; discovery (a party's use of discovery depositions, interrogatories, requests for production of documents and things, and requests for admission to ascertain the facts underlying its adversary's case), a trial, and briefs, followed by a decision on the case.<sup>19</sup> The Board does not preside at the taking of testimony. Rather, all testimony is taken out of the presence of the Board during the assigned testimony, or trial, periods, and the written transcripts thereof, together with any exhibits thereto, are then filed with the Board. No paper, document, or exhibit will be considered as evidence in the case unless it has been introduced in evidence in accordance with the applicable rules.

While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in a opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney. Strict compliance

with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel. Opposer is referred to the Trademark Trial and Appeal Board Manual of Procedure (TBMP), available on the USPTO website, [www.uspto.gov](http://www.uspto.gov). The Board is unable to offer more specific legal advice to parties.

Proceedings herein are resumed and the parties are allowed until thirty days from the mailing date of this order to serve responses to any discovery requests outstanding at the time proceedings were suspended.

The Board notes that discovery had closed in both proceedings at the time the Board issued its January 9, 2006 consolidation order. Accordingly, no new discovery requests may be filed.

Trial dates are reset as shown below:

DISCOVERY PERIOD TO CLOSE:	<b>CLOSED</b>
Thirty-day testimony period for party in position of plaintiff to close:	<b>September 15, 2006</b>
Thirty-day testimony period for party in position of defendant to close:	<b>November 14, 2006</b>
Fifteen-day rebuttal testimony period to close:	<b>December 29, 2006</b>

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